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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,400

03/12/2004

Nobuaki Mihara

1029650-000147

6062

21839 7590 04/02/2009
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EXAMINER

BOUCHELLE, LAURA A

ART UNIT

PAPER NUMBER

3763

NOTIFICATION DATE

DELIVERY MODE

04/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/798,400	Applicant(s) MIHARA ET AL.	
	Examiner LAURA A. BOUCHELLE	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/13/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-10, 11-14, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jung, Jr. et al (US 6290693). Jung discloses a catheter comprising a linear wire 102, a tubular body 110 positioned on the distal end of the linear wire, the tubular body possessing a hollow portion 128, the distal end of the linear wire longitudinally overlaps a proximal end portion of the hollow portion of the tubular body (See Fig. 4), the distal end portion of the wire being fixed to a proximal end portion of the tubular body exteriorly of the tubular body by a reinforcing tube which surrounds the tubular body and the wire, the linear wire and the tubular body being positioned so that a longitudinal axis of the wire does not intersect the hollow portion of the tubular body (See Fig. 4), the linear wire is metal and has a solid cross section (col. 3, lines 25-26), and has a covering layer formed of a resin material (col. 2, lines 27-28; col. 3, lines 13-17). The proximal end of the wire includes an operation portion fixed to the wire (col. 3, line 15-25). The center of the tubular body is decentered with respect to the center of the wire and the linear wire is connected to the tubular body so that the distal end portion of the wire partially overlays the proximal portion of the tube. See fig. 4. The distal end of the tubular body is located distally of the distal end of the wire.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jung in view of Chevalier, Jr. et al (Us 5401257). Claim 3 differs from Jung in calling for the wire to have a hydrophilic coating. Chevalier teaches a guidewire formed of metal and having a hydrophilic coating which increases the trackability of the wire for ease of insertion and exchange (col. 7, lines 30-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Jung to include a hydrophilic coating as taught by Chevalier to improve the characteristics of the wire.

5. Claims 4, 5, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung in view of Estrada et al (US 2002/0038103).

6. Claims 4, 15 differ from Jung in calling for the tubular body to include a plurality of markers. Estrada teaches a catheter having a proximal portion 11 and a distal tubular member 34 having markers 39, 45 that allow for observation of the location of the distal portion during a procedure (page 3, paragraph 0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Jung to include distal markers as taught by Estrada to facilitate observation of the device during a procedure.

7. Claims 5, 16 differ from Jung in calling for the tubular member to be formed of an inner layer, an outer layer, and a reinforcing member there between. Estrada teaches a tubular member 34 for insertion of a guidewire 36 therethrough being formed of an inner layer 43, and outer layer 44, and a reinforcing member 42 there between to provide the flexibility required to insert the

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device though the vasculature and also the stiffness to prevent kinking (page 3, paragraph 0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Jung so that the tubular member is made of an inner layer, an outer layer, and a reinforcing member there between as taught by Estrada.

Response to Arguments

8. Applicant's arguments, see amendment after non-final, filed 1/6/09, with respect to the Miki reference have been fully considered and are persuasive. The rejection has been withdrawn, however a new rejection has been made in view of Jung.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA A. BOUCHELLE whose telephone number is (571)272-2125. The examiner can normally be reached on Monday-Friday 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 517-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura A Bouchelle
Examiner
Art Unit 3763

/Laura A Bouchelle/
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763